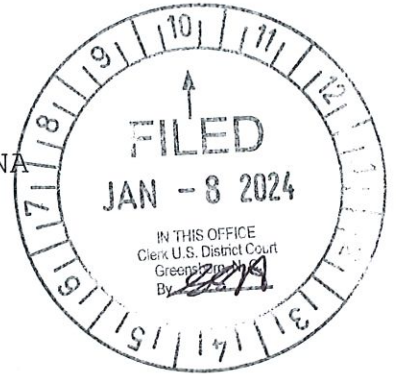


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DERRICK U. PETTIFORD,

Plaintiff,

v.

JAMES G. GORDON, Corporal
MASON J. HESTER, AUSTIN B.
PENDRY, and NATHAN BYERLY,

Defendants.

1:22-cv-900

ORDER

On November 8, 2022 the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 4, 5.) No objections were filed within the time prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 4), is **ADOPTED. IT IS FURTHER ORDERED** that Plaintiff's individual capacity claims against Defendants Hester, Pendry, and Byerly are allowed to proceed but that the remainder of the claims are **DISMISSED** pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted.

This the 8 day of January, 2024.

William L. Oster, Jr.
United States District Judge